REMARKS/ARGUMENTS

Claims 1-8, 11, 13, 14, 17-21, and 23-24 have been amended. Claims 30-33 are new to this application. Claims 12 and 22 are cancelled. Of the pending claims, claims 1 and 6 are independent.

The Examiner rejects all claims as lacking an inventive step over Kiliaan et al. (WO 01/84961) in view of Geiss (U.S. 2004/0120985) and Hochschild (U.S. 4,374,082).

It was surprisingly found that the claimed matrix makes it possible to incorporate phospholipids into foods to which these exogenous additives could not previously have been added due to formulation problems and due to degradation of the phospholipids. (Specification at page 6, first paragraph.) The cited references do not attempt to solve such problems, nor do the cited references describe or address such formulation problems or degradation of phospholipids.

Kiliaan et al. describe a composition for the treatment of vascular disorders consisting of three components, namely a long-chain polyunsaturated fatty acid, a phospholipid component and a further component which is a factor in methionine metabolism.

These documents teach neither the combination of an acetone insoluble phospholipid component and a supporting material nor the stabilizing effect of the supporting material.

Thus, the present invention should be novel and inventive over Kiliaan et al.

Geiss et al. disclose a food item for enhancing cognitive capacity. Although Geiss et al. disclose a composition comprising carbohydrates, proteins, phosphatidylserine, vitamins and fat, Geiss et al. do not teach any matrix which is suitable for stabilizing the phospholipids according to the invention. Geiss et al. do not disclose a functional food containing the inventive matrix consisting of a supporting material and a phospholipid. Geiss et al. would not have guided the skilled artisan to solve the problem of the invention.

Hochschild describes a method for making a pharmaceutical dosage form for oral administration, wherein lecithin, which is a phospholipid, serves only as a carrier material for the actual bioactive component (Hochschild, page 16, lines 12-15 and 19-21). Hochschild explains how to stabilize a pharmaceutical compound by using lecithins (page 17, lines 8-10).

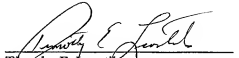
In contrast thereto, the object underlying the present invention is to stabilize hydrolysis- and oxidation-sensitive phospholipids. According to the invention, this is accomplished by combining a supporting material which is not a phospholipid and bioactive phospholipid component. None of the cited documents discloses the problem underlying the present invention, namely stabilization of hydrolysis-labile phospholipids, nor its solution according to claim 1 of the present invention.

Information Disclosure Statement

An Information Disclosure Statement supplemental to the Information Disclosure Statements filed on July 10, 2007, and August 24, 2007, is being filed herewith. In accordance with 37 CFR § 1.98(a)(2), a copy of each foreign patent document is provided therewith. Applicant brings attention to the Examiner that the foreign documents being cited are accompanied by an English translation of the Abstract.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,
Fitch, Even, Tabin & Flannery



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